

## Department of Water Resources' Delta Flood Emergency Facilities Improvement Project

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**Requested Action:** The Department of Water Resources' Delta Flood Emergency Facilities Improvement Project will create two new sites in the Delta to store flood fighting materials and will also add additional material to an existing storage site. This project is authorized and funded through the Disaster Preparedness and Flood Prevention Bond Act of 2006 (Proposition 1E), and the project budget is up to \$40 million. No local cost-share funds will be added to this amount. Due to the funding source for this project, the Council's approval is required by Water Code §83002(a)(1) and the purpose of the approval is to confirm the project is consistent with the criteria established by the Legislature in the Water Code §83002(a) (1). Staff has reviewed the project and recommends that the Council approve it based on; the project's feasibility evaluation, its Initial Study completed as part of the CEQA process, and a Mitigated Negative Declaration also completed as part of CEQA. These documents were finalized by DWR in June 2013.

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### **Background**

The Department of Water Resources' Delta Flood Emergency Facilities Improvement Project (Project) will create two new sites in the Delta to store flood fighting materials, as well as, add additional material to an existing storage site. This project is authorized and funded through the Disaster Preparedness and Flood Prevention Bond Act of 2006 (Proposition 1E), which allocated \$3 billion to the Department of Water Resources (DWR) for flood risk reduction purposes, and includes funding "to reduce the risk of levee failure in the delta." (Public Resources Code, §5096.821 (c)) Subsequently, Senate Bill 2X-1 (Perata, 2008) allocated \$135 million of Proposition 1E funds to DWR for "the acquisition, design, and construction of essential emergency preparedness supplies and projects" as well as stockpiling flood fight materials (Water Code §83002 (a)(1)).

In addition, Water Code §83002(a)(1) also requires that "Prior to the design or construction of any project funded pursuant to this paragraph, the California Bay-Delta Authority, or its successor, shall approve the specific project or program." The Delta Reform Act of 2009 made the Council the successor to the California Bay-Delta Authority. The purpose of the Council's approval is to confirm this project's consistency with Water Code §83002(a) (1). To meet statutory objectives, DWR proposes this project to ensure that State agencies have the appropriate infrastructure and emergency preparedness in the Delta region to respond to and recover quickly and effectively from major flood disasters in the Delta.

This project is also consistent with Delta Plan recommendation **RR R1 Implement Emergency Preparedness and Response**, "...In consultation with local agencies, the

California Department of Water Resources should expand its emergency stockpiles to make them regional in nature and usable by a larger number of agencies in accordance with California Department of Water Resources' plans and procedures...."

### **Project Information**

Levee failures in the Delta could place human life and property in danger, and potentially have significant implications for the State water supply system, infrastructure, and the health of the Delta ecosystem. During an emergency response to a levee failure event, the pace of response and recovery operations is only as fast as the slowest component, which is the rate at which barges can be loaded with response and repair materials.

As a component of the larger Delta Flood Emergency Preparedness, Response, and Recovery Program, the Delta Flood Emergency Facilities Improvement Project is focused on identifying, evaluating, selecting, acquiring, and improving barge loading sites, which can also serve as storage locations for flood fighting materials at strategic locations in the Delta region.

The Project proposes establishing two new material storage and transfer facility sites; 1) on West Weber Avenue in Stockton and, 2) at Brannan Island State Park on Brannan Island. The project also proposes modifying an existing material storage facility in the City of Rio Vista. Currently, there is 223,000 tons of quarry rock stockpiled by DWR in Rio Vista and within the Port of Stockton. This project will increase storage of materials by stockpiling up to 40,000 tons of flood fighting material each at Stockton's West Weber Avenue site and on Brannan Island. In addition, 20,000 tons of sand will be stockpiled in Rio Vista for a total of 100,000 tons of additional flood fighting material. By accomplishing this project, the State will be able to strengthen its Delta emergency preparedness and response capabilities.

### **Budget and Project Status**

Per DWR staff, this project is authorized and funded through the Disaster Preparedness and Flood Prevention Bond Act of 2006 (Proposition 1E), and the project budget is up to \$40 million. To date, actual expenditures are \$5.4 million, with \$4.9 million towards the purchase of the south parcel of the West Weber site in Stockton, which was acquired on October 31, 2013. Expenditures also include costs associated with contracts and task orders for consultants, as well as resource agreements within DWR to provide environmental assessments, geodetic and geotechnical investigations, and additional pre-design tasks.

### **Project Review**

To determine project adequacy with criteria in Water Code §83002(a)(1) and as a responsible agency under CEQA, staff reviewed materials provided by DWR's Division of Flood Management, including the presentations made therein.

The materials received and reviewed by Council staff included:

1. A letter from DWR to the Council, dated April 8, 2013, "Notice of Intent to Adopt an Initial Study/Mitigated Negative Declaration for the Delta Flood Emergency Facilities Improvement Project." (Please see Attachment 1)
2. Delta Stewardship Council October 24-25, 2013 Meeting Agenda Item 10d PowerPoint Presentation - Delta Flood ER Facility Improvement Project. (Attachment 2)  
([http://deltacouncil.ca.gov/sites/default/files/documents/files/Agenda%20Item%2010d\\_Delta%20Flood%20ER\\_Facility%20Improvement%20Project.pdf](http://deltacouncil.ca.gov/sites/default/files/documents/files/Agenda%20Item%2010d_Delta%20Flood%20ER_Facility%20Improvement%20Project.pdf))
3. Proposed Mitigated Negative Declaration. (Please see attachment 3)
4. A letter from the Council to DWR, dated May 10, 2013, providing comments on the "Notice of Intent to Adopt an Initial Study/Mitigated Negative Declaration for the Delta Flood Emergency Facilities Improvement Project."
5. Notice of Determination for the Project. (Please see Attachment 5)
6. "Notice of Determination, Initial Study/Mitigated Negative Declaration, and Reporting Program, and Responses to Comments-Delta Flood Emergency Facilities Improvement Project," SCH No. 2013042015, June 2013 (Attachment 6). ([http://www.water.ca.gov/floodmgmt/docs/Delta-FIP-IS-MND-8-15-2013\\_FINAL-June2013.pdf](http://www.water.ca.gov/floodmgmt/docs/Delta-FIP-IS-MND-8-15-2013_FINAL-June2013.pdf))

Council staff reviewed the materials to determine:

1. **Appropriate project scope and description.** Council staff reviewed the project, as described in the submitted written information, for technical accuracy. The project, as described, appears to further the goal of reducing Delta flood risk through acquisition, design, and construction of essential emergency preparedness supplies and projects and is consistent with statute. Completion of this project will strengthen Delta emergency preparedness.
2. **Adequate CEQA compliance.** The Council has discretionary approval authority with regard to the proposed project and, as such, is a "responsible agency" under CEQA for the project. Through a letter, dated May 10, 2013 (Attachment 4) Council staff provided comments on the Initial Study/Mitigated Negative Declaration for the Project and identified that it would likely improve Delta emergency preparedness and recovery. The Initial Study/Mitigated Negative Declaration and Notice of Determination were completed in June 2013 (Attachment 6). The Notice of Determination authorizes the Project to move forward and actively pursue property in the Delta for the following emergency response facilities:
  - A memorandum of understanding or agreement (MOU/MOA) or lease of the Central Valley Flood Protection Board property located in the City of Rio Vista,

- An MOU/MOA or lease of Department of Parks and Recreation property located in Brannan Island State Recreational Area on Brannan Island, and
- Purchase of private property at West Weber Avenue in the City of Stockton.

Staff Findings and Recommendations for Approval:

As a responsible agency under CEQA, the Council must consider the Mitigated Negative Declaration prepared by the lead agency (DWR) and reach its own conclusions on whether and how to approve the proposed project (CEQA Guidelines § 15096). In addition, the Council will need to file a Notice of Determination in the same manner as the lead agency under CEQA Guidelines § 15075.

Staff has reviewed the Initial Study/Mitigation Negative Declaration prepared by the lead agency (DWR) and based upon the documents and the representations made therein, recommends that the Council approve the project based on the following findings:

- Staff has reviewed all of the identified impacts and associated mitigation measures and concurs with DWR's determination that the proposed project would not have any significant effects on the environment, inclusive of impacts associated with Greenhouse Gases, after implementation of mitigation measures.
- Staff concurs that implementation of specific mitigation measures by DWR would reduce the environmental impacts of the proposed project to a less-than-significant level.
- The proposed project meets the criteria in Water Code § 83002(a)(1) and is qualified for full funding.

Staff intends to file a Notice of Determination (NOD) within five working days of the Council's approval of this project per CEQA Guidelines § 15075. This NOD will be similar and reflective of the one filed by DWR (see Attachment 3).

**3. Not a covered action:** The Project as described is not covered by a Delta Plan regulation. Therefore, certification of its consistency with the Delta Plan is not required.

**Today's Briefing**

Along with Council staff, a panel of representatives from DWR and several local agencies will be present to inform the Council on the current status of the Project, to answer questions related to the CEQA documents and to highlight the importance of this project for local agencies with jurisdiction in the Delta. The Panel consists of:

1. Bill Croyle, Flood Operations Branch Chief, DWR
2. John Paasch, Regional Flood Preparedness Section Chief, DWR

3. Michael Cockrell, Director of Emergency Operations, San Joaquin County Office of Emergency Services
4. Roger Ince, Emergency Services Coordinator, Sacramento County Office of Emergency Services

**Staff Suggested Motion**

Pursuant to Water Code §83002(a)(1), the Delta Stewardship Council approves the DWR Delta Flood Emergency Facilities Improvement Project based upon findings, in concurrence with DWR staff, that:

1. The project is a Mitigated Negative Declaration project under CEQA ;
2. Adequate mitigation measures have been identified in the Mitigated Negative Declaration and implementation of these mitigation measures would reduce the environmental impacts of the proposed project to a less-than-significant level, and;
3. The project qualifies for full funding pursuant to Water Code Section 83002(a)(1).

Upon approval of this project by the Council, staff will file a Notice of Determination within five working days with the Office of Planning and Research.

**List of Attachments**

- Attachment 1: Letter from DWR to the Council, dated April 8, 2013, "Notice of Intent to Adopt an Initial Study/Mitigated Negative Declaration for the Delta Flood Emergency Facilities Improvement Project."
- Attachment 2: Delta Stewardship Council October 24-25, 2013 Meeting Agenda Item 10d PowerPoint Presentation - Delta Flood ER Facility Improvement Project
- Attachment 3: Proposed Mitigated Negative Declaration
- Attachment 4: A letter from the Council to DWR, dated May 10, 2013 providing comments on the "Notice of Intent to Adopt an Initial Study/Mitigated Negative Declaration for the Delta Flood Emergency Facilities Improvement Project."
- Attachment 5: Notice of Determination for the Project
- Attachment 6: Final "Notice of Determination, Initial Study/Mitigated Negative Declaration, and Reporting Program, and Responses to Comments- Delta Flood Emergency Facilities Improvement Project," SCH No. 2013042015, June 2013 [http://www.water.ca.gov/floodmgmt/docs/Delta-FIP-IS-MND-8-15-2013\\_FINAL-June2013.pdf](http://www.water.ca.gov/floodmgmt/docs/Delta-FIP-IS-MND-8-15-2013_FINAL-June2013.pdf)

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